

UNITED STATES DISTRICT COURT

FILED

FOR THE DISTRICT OF MISSOULA, MT

2007 OCT 29 PM 2 29

PATRICK E. DUFFY

BY

No. 07-35825  
DEPUTY CLERK  
D.C. No. CV-07-00074-  
DWM/JCL

CYRIL KOLOCOTRONIS,

Plaintiff - Appellant,

v.

BENEFIS HEALTHCARE; et al.,

Defendants - Appellees.

**ORDER**

This appeal has been taken in good faith [ ]

This appeal is not taken in good faith [xx]

Explanation: Plaintiff filed a similar lawsuit in this Court in 1987 that was dismissed as frivolous and malicious. See Kolocotronis v.

Malstrom Air Force Base Hospital, et al., CV 87-177-GF-PGH. The 1987 case involved the same claims, and the same parties or their privies, as the instant case. The instant case therefore is barred by the doctrine of res judicata, see Denton v. Hernandez, 504 U.S. 25, 34 (1992), and any appeal from this determination would be frivolous.

  
\_\_\_\_\_  
Judge  
United States District Court

Date: October 29, 2007